United Nations A/64/L.58

General Assembly

Distr.: Limited
30 June 2010

Original: English

Sixty-fourth session
Agenda item 114
Follow-up to the Outcome of the Millennium Summit

Benin, Bosnia and Herzegovina, Chile, Costa Rica, Georgia, Guatemala, Jordan, Nicaragua, Norway, Portugal and Qatar: draft resolution

The right to education in emergency situations

The General Assembly,

Reaffirming that everyone shall enjoy the human right to education, and recalling in that regard the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the 1951 Convention relating to the Status of Refugees,[3] the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Elimination of All Forms of Racial Discrimination,[6] the Convention on the Rights of the Child[7] and the Convention on the Rights of Persons with Disabilities,[8]

Recalling all relevant United Nations resolutions related to the right to education in emergency situations,[9]

Recalling also that, in the United Nations Millennium Declaration,[10] it was resolved that children everywhere, boys and girls alike, would be able to complete a

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 189, No. 2545.
[4] Ibid., vol. 75, No. 973.
[5] Ibid., vol. 1249, No. 20378.
[6] Ibid., vol. 660, No. 9464.
[7] Ibid., vol. 1577, No. 27531.
[8] Resolution 61/106, annex I.
[9] Resolutions 46/182, 59/113 A and B, 63/241, 64/145, 64/146 and other General Assembly resolutions on the rights of the child, the strengthening of the coordination of emergency humanitarian assistance and international cooperation on humanitarian assistance in the field of natural disasters; Security Council resolutions 1325 (2000), 1612 (2005), 1674 (2006), 1882 (2009), 1888 (2009), 1889 (2009) and 1894 (2009); and Human Rights Council resolutions 8/4 and 11/6.
[10] See resolution 55/2.

Please recycle

full course of primary schooling and that girls and boys would have equal access to all levels of education by 2015,

Recognizing that a large proportion of the world's children out of school live in conflict-affected areas and in natural-disaster-stricken regions, and that this is a serious challenge to the fulfilment of the international education goals, including Millennium Development Goal 2,

Underscoring the fact that the Convention on the Rights of the Child must constitute the standard in the promotion and protection of the rights of the child and that the requirements for the realization of the right to education, pertinent also to emergency situations, are set out in articles 28 and 29 of that Convention,

Deeply concerned that, despite the progress made in recent years towards achieving the goals of the Education for All initiative agreed upon at the World Education Forum held in Dakar in April 2000,[11] the level of funding for international education goals is inadequate,

Deeply concerned also that, in the humanitarian consolidated and flash appeals launched in 2009, the education sector was one of the most underfunded with respect to meeting the original requirements,

Recognizing that ensuring the right to education in emergency situations requires specifically designed, flexible and inclusive approaches consistent with protection needs, conflict mitigation initiatives and disaster risk reduction considerations,

Condemning the targeting of civilians as such in situations of armed conflict, including schoolchildren, students and teachers, as well as attacks on civilian objects such as educational institutions, as prohibited under international law, recognizing that such acts may constitute grave breaches of the Geneva Conventions and, for States parties, war crimes under the Rome Statute of the International Criminal Court,[12] and reminding all parties to armed conflict of their obligations under international law to refrain from the use of civilian objects, including educational institutions, for military purposes and child recruitment,

Acknowledging that protecting schools and providing education in emergencies should remain a key priority for the international community and Member States,

Recognizing the important role that education can play in supporting efforts in emergency situations to halt and prevent abuses committed against affected populations, in particular efforts to prevent all forms of violence, including rape and other acts of sexual violence, exploitation, trafficking in persons and the worst forms of child labour,

Emphasizing the importance of the promotion of human rights education and learning at all levels, including through the implementation of the World Programme for Human Rights Education,[13] as appropriate, and encouraging all States to develop initiatives in that regard,

---

[11] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

[12] United Nations, *Treaty Series*, vol. 2187, No. 38544.

[13] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, resolution 6/24.

Considering that quality education can mitigate the psychosocial impact of armed conflicts and natural disasters by providing a sense of normalcy, stability, structure and hope for the future,

Considering also that, in situations of displacement, education, among other factors, can play a significant role in contributing towards preparing for and promoting durable solutions for the affected population,

1. *Welcomes* the work of the Special Rapporteur on the right to education, and takes note of his report on the right to education in emergency situations;[14]

2. *Also welcomes* the work carried out by the Committee on the Rights of the Child through the holding of a day of general discussion on the right of the child to education in emergency situations;

3. *Notes with appreciation* the work of the Special Representative of the Secretary-General for Children and Armed Conflict on violations and abuses committed against children in armed conflict, and notes the importance of her continuing work, within her existing mandate, on the adverse impact of armed conflict on the education of children;

4. *Welcomes* the global advocacy initiative entitled the "One million safe schools and hospitals" campaign, launched on 8 April 2010 in Manila, aimed at making schools and hospitals safer from disasters, as part of the "Resilient cities" global campaign of the International Strategy for Disaster Reduction for 2010 and 2011;

5. *Recognizes* the establishment of the education cluster by the United Nations Inter-Agency Standing Committee and other initiatives as measures to address, in a coordinated manner, educational needs in emergency situations, including through partnerships for the implementation of the "Minimum standards for education: preparedness, response, recovery" handbook of the Inter-Agency Network for Education in Emergencies, calls on donors to support the work of the cluster, and emphasizes that those measures should continue to be taken in close coordination with relevant authorities;

6. *Notes* its thematic debate of 18 March 2009 on access to education in emergency, post-crisis and transition situations caused by man-made conflicts;

Education in all stages of humanitarian response

7. *Urges* Member States to implement strategies and policies to ensure and support the realization of the right to education as an integral element of humanitarian assistance and humanitarian response, to the maximum of their available resources, with the support of the international community, the United Nations system, donors, multilateral agencies, the private sector, civil society and non-governmental organizations;

8. *Requests* Member States to ensure that the best possible systems of education are in place, including through the allocation of sufficient resources, the appropriate adaptation of curricula and training of teachers, the implementation of risk assessments, disaster preparedness programmes in schools, the legal framework for protection, and health and basic social services, so as to withstand emergencies;

[14] A/HRC/8/10.

Safe and protective educational environment

9. *Recommends* that Member States ensure access to education in emergency situations to all affected populations, in accordance with their obligations under international law and without discrimination of any kind;

10. *Urges* all parties to armed conflict to fulfil their obligations under international law, in particular their applicable obligations under international humanitarian law and international human rights law, including to respect civilians, including students and educational personnel, to respect civilian objects such as educational institutions and to refrain from the recruitment of children into armed forces or groups, in accordance with their applicable obligations under international law, urges Member States to fulfil their applicable obligations under international law, including international humanitarian law, related to the protection and respect of civilians and civilian objects, and urges them, in order to prevent and combat impunity, to criminalize under their domestic law attacks on educational buildings, and stresses that such attacks may constitute grave breaches of the Geneva Conventions and, for States parties, war crimes under the Rome Statute of the International Criminal Court;[12]

11. *Also urges* Member States to ensure that disaster risk and safety considerations are factored into all phases of the planning, design, construction and reconstruction of educational facilities, through the consideration, inter alia, of the recommendations contained in the "Minimum standards for education: preparedness, response, recovery" handbook of the Inter-Agency Network for Education in Emergencies and its "Guidance notes on safer school construction";

12. *Further urges* Member States, in their support for education, to specifically address the gender-specific needs of girls in emergency contexts, including their increased vulnerability to gender-based violence;

13. *Invites* relevant United Nations entities and partners to allocate sufficient technical expertise to enhance, in close consultation with concerned Member States and relevant authorities, data collection on and documentation of the impact of emergencies on the access of children and young people to quality education, disaggregated by age and gender, and on attacks on educational institutions, students and educators, with due consideration given to information provided by concerned States and relevant authorities;

14. *Urges* Member States to implement gender-sensitive policies and programme interventions, in order to ensure that populations affected by emergency situations have equal access to safe, quality and relevant education;

Reconstruction and post-emergency situations

15. *Also urges* Member States to provide quality education in emergency situations that is gender-sensitive, centred on learners, rights-based, protective, adaptable, inclusive, participatory and reflective of the specific living conditions of children and youth and that pays due regard, as appropriate, to their linguistic and cultural identity, mindful that quality education can foster tolerance and mutual understanding and respect for the human rights of others;

16. *Calls upon* all parties concerned to ensure that all peace processes and agreements and post-conflict recovery, peacemaking and peacebuilding efforts, as

well as reconstruction planning, are sensitive to the special and specific needs of women, children and youth and include specific measures for the protection of civilians, including the facilitation of early access to education, learning and training, and to ensure the participation of women, children and youth in those processes;

17. *Calls upon* States and other relevant actors to ensure the facilitation of early access to education and training for children and adults in secure and friendly environments in the aftermath of emergencies, including through the implementation of specific related measures in early recovery initiatives, peacemaking and peacebuilding processes, capacity-building strategies, the participation of children and youth and the mobilization and prioritization of human, technical and financial resources;

The importance of political will and financing

18. *Reaffirms its commitment* to supporting the efforts of developing countries to ensure that all children have access to and complete free and compulsory primary education of good quality, to eliminating gender inequality and imbalances and to renewing efforts to improve the education of girls, and to continuing to support the efforts of developing countries in the implementation of the Education for All initiative, including with enhanced resources of all types through the Education for All fast-track initiative in support of country-led national education plans, and urges donors to honour their pledged contributions;

19. *Calls upon* States, as primary duty-bearers, to ensure the realization of the right to education in all phases of emergency situations, in a manner that meets the essential needs of the affected populations, recognizing the role of the donor community and humanitarian agencies in assisting those efforts;

20. *Calls upon* all Member States, including donors, and invites the private sector and all concerned individuals and institutions to continue to support diverse humanitarian funding channels and to consider increasing their contributions to education programmes defined in humanitarian appeals, including humanitarian consolidated and flash appeals, based on and in proportion to assessed needs, as a means of ensuring adequate, timely, predictable, flexible and needs-based resources;

Follow-up

21. *Requests* the Special Rapporteur on the right to education, in close cooperation with all relevant stakeholders, including Governments, United Nations agencies and programmes, civil society and other relevant United Nations mandate holders, to include in his next interim report to the General Assembly at its sixty-sixth session an update to his report on the right to education in emergencies, in order to identify gaps and remaining challenges in ensuring the right to education in emergency situations.